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2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA
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6 NATIONAL RAILROAD PASSENGER) 3:11-cv-00461-HDM-VPC
CORPORATION,)

7)
8 Plaintiff,) ORDER
9)

10 vs.)

11)
12 JOHN DAVIS TRUCKING COMPANY,)
13 INC.,)

14)
15 Defendant.)
16)

17)
18 JOHN DAVIS TRUCKING COMPANY,)
19 INC.,)

20)
21 Counterclaimant,)
22)

23 vs.)

24)
25 NATIONAL RAILROAD PASSENGER)
CORPORATION, UNION PACIFIC)
26 RAILROAD COMPANY, and DOES 1-5,)

27)
28 Counterdefendants.)
29)

30)
31 UNION PACIFIC RAILROAD COMPANY,)

32)
33 Counterclaimant,)
34)

35 vs.)

36)
37 JOHN DAVIS TRUCKING COMPANY,)
38 INC.,)

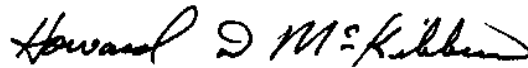
39)
40 Counterdefendant.)
41)

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43 Before the court is John Davis Trucking Company's motion to
44 strike Union Pacific's answer and counterclaim (#99) and motion to
45 dismiss National Railroad Passenger Corporation's complaint (#97)
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1 on the ground of spoliation of evidence. Discovery will not be
2 completed in this case until February 28, 2013. (See Doc. #94).
3 Issues that have been raised in the motions and the responses
4 thereto clearly relate to ongoing discovery. Accordingly, the
5 court concludes that the motion to strike Union Pacific's answer
6 and counterclaim (#99) and motion to dismiss National Railroad
7 Passenger Corporation's complaint (#97) are premature. They are
8 for that reason denied without prejudice, to renew after the close
9 of discovery and no later than the dispositive motions deadline.

10 IT IS SO ORDERED.

11 DATED: This 1st day of August, 2012.

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14 UNITED STATES DISTRICT JUDGE
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